

SENATE BILL NO. 2051
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Senate Bill No. 2051 (First Reprint) without my approval.

This bill would require law enforcement officers to conduct a risk assessment of, and provide assistance to, victims of domestic violence incidents. This bill would require law enforcement to administer the Ontario Domestic Assault Risk Assessment ("ODARA"), or an alternative approved risk assessment, to any person, with consent, who the officer has reasonable cause to believe is a victim of domestic violence. The ODARA, or other assessment, must generate a score or rating that indicates whether there is an elevated risk that an alleged victim of domestic violence will suffer serious bodily injury or death as a result of a future act of domestic violence. Regardless of the risk assessment score, a law enforcement officer is required to determine if the victim is in immediate need of services and is required to facilitate the provision of services.

If the risk assessment generates a score or rating that indicates an elevated risk of serious bodily injury or death to an alleged victim, the law enforcement officer is required to notify the victim that the score generated indicates there is an elevated risk and, with consent, facilitate immediate assistance through a domestic crisis team or other services available to victims of domestic violence. The law enforcement officer is also required to charge the defendant-perpetrator by way of complaint-warrant.

The bill also requires the Director of the Division of Criminal Justice in the Office of the Attorney General to incorporate into the current domestic violence curriculum for law enforcement officers training on how to conduct the risk assessment

and how to notify and facilitate access to services for alleged victims who are deemed to be at an elevated risk of harm. The Administrative Director of the Courts is also required to provide training related to the approved risk assessment to judges and court personnel.

Domestic violence incidents often present volatile, high-risk situations in which an assessment of the danger faced by the victim and other family members from the risk posed by an abuser may be critical to producing an outcome that does not end in tragedy. Knowledge of the risk posed by an abuser can inform the development of strategies to avoid or minimize the future risk to the victim or to identify the nature and intensity of resources and services needed to help the victim. The importance of an evidence-based, standardized risk assessment tool to help collect data and accurately assess the risks inherent in these arduous, distressing situations is manifest, and can be indispensable to the efforts of law enforcement officers arriving at the scene.

I applaud the sponsors for seeking to expand the number of tools available to help law enforcement officers address domestic violence situations. There are differing viewpoints on the appropriate scope of the use or application of these tools in these varied contexts. Any legislation addressing domestic violence risk assessments should provide clear and comprehensive guidance to law enforcement officers, prosecutors, service providers, clinicians, and the courts on the appropriate role of these tools in addressing the myriad aspects of intimate personal violence, in the identification and procurement of optimal and necessary victim services and throughout the criminal justice process. Because this legislation falls short of that, rather than signing this laudatory but limited measure into law, I am encouraging the

sponsors to take a more comprehensive approach in considering how best to establish a statutory framework to institutionalize a measure such as this.

Accordingly, I herewith return Senate Bill No. 2051 (First Reprint) without my approval.

[seal]

Respectfully,

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor